

A N
A N S W E R
TO THE
RECTOR'S LIBEL
O R,
THE BISHOP'S CASE
TRULY STATED.

S H E W I N G

- I. That the Rector has Stated the CASE disingenuously.
- II. That the Rubrick and Canons which he quotes in his Justification do manifestly turn to his own Condemnation.
- III. That the Three Queries (*1. Whether a Rector hath Power to Suspend any of the Parishioners committed to his Charge, from a Temporary Reception of the Sacrament? And in what Cases he may exercise that Power. 2. What is the Bishops Office in such a Case? And whether he may restore such Persons so Suspended, without a Judicial Cognizance of the Crime objected. 3. Whether in such a Case the Bishop may regularly command the Rector, and whether such commands are obliging?*) Upon which he builds the whole Resolution, are (*modestly speaking*) impertinently put, and falsly, or impertinently Resolv'd.

Revilest thou Gods High Priest. Act. 23. 40.

Siquis Clericus Episcopum contumelia affecerit deponitor. Apof. Can. 54.

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RECTOR LIBEL

THE RECTOR OF THE CHURCH OF ST. MARY'S, LONDON, V. THE REV. JAMES H. HARRIS, D.D., OF THE UNIVERSITY OF OXFORD.

IN THE COURT OF CHANCERY, AT THE CHANCERY-LANE, LONDON, THIS 10th DAY OF JANUARY, 1864.

THE PLAINTIFFS, THE RECTOR OF THE CHURCH OF ST. MARY'S, LONDON, V. THE DEFENDANT, THE REV. JAMES H. HARRIS, D.D., OF THE UNIVERSITY OF OXFORD.

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ANSWER

TO THE RECTOR'S LIBEL, &c.

S I R,

THE other day I met with, and read a Pamphlet, Intituled, *The Rectors Case concerning the Power of Suspension from the Sacrament, &c.* which sent me (in Indignation against so false and scandalous a Libel) to my Study, where in a very little time, the Rectors Weakness rather than my own Skill, enabled me to give the following Answer, which shews,

- I. *That the Rector has stated the Case disingeniously.*
- II. *That the Rubrick and Canons which he quotes in his Justification, do manifestly turn to his own Condemnation.*
- III. *That the Three Queries upon which he Builds the whole Resolution, are (modestly speaking) impertinently put, and falsely, or impertinently resolv'd.*

I. *That the Rector has Stated the Case disingenuously*) will in part appear from the plain matter of Fact here impartially related. In the year 1693. April 14. being Good Friday. The Rector sent a Letter to Mr. M. S. Steward to the Bishop, and another Letter to the same purpose to Mr. T. N. the Bishops Gentleman, wherein the Rector said, *He thought himself by Conscience as well as Law, Obliged to Admonish the aforesaid Gentlemen, being his Parishioners, not to approach the Holy Table the Sunday following, for that they were Unqualify'd to receive the Holy Sacrament: Because, as he was told by some, (naming no body) That they were concerned in a Conspiracy against his Life.* Upon these Letters the two Gentlemen, tho' wholly innocent, and declaring their Charty with the Rector and all the World, did in submission forbear the Sacrament at that time, lest the Rector might, by publickly, and, it may be, indecently repelling them, give occasion of Scandal: But a year elapsing, and the Rector during all that time, neither by Word nor Writing, before the Solemnities of Whitsuntide or Christmas, nor any other time again Admonishing the said Gentlemen, nor Prosecuting, or Proving the heavy Charge of their being concerned in a Conspiracy against his Life; therefore the said Gentlemen on Easter Sunday 1694. came up Reverently

rently to the Rails (and were not brought in by the Bishop *vi & armis*, as the Rector maliciously and falsely suggests *Pag. 13.*) there to receive with other Communicants in the Cathedral Church of the Diocess, where the Bishop in Person Administered, and the Rector Assisted: But just as the Bishop was about to begin the Service at the Altar, the Rector step'd to the two Gentlemen, and forbade them the Sacrament; the Bishop observing the same, spake to the Rector not to trouble himself, or words to that purpose; and after when the Elements came to be distributed, the Bishop Administered the Bread to his two Servants, as he did to the other Communicants; but the Rector giving the Cup to the rest willfully omitted the aforesaid Gentlemen, and passing them by, placed the Chalice upon the Table, which the Bishop observing, commanded the Rector to give them the Cup; but the Rector reply'd positively and passionately that he would not, adding these Words; *Let it be between me and God*; upon which the Bishop, without a word more, or shewing any concern; gave them the Cup. Now observe, that in the Rector's State of the case, there is

1. *No Notice taken of the Bishop's Administering the Sacrament in his own Cathedral.*

2. *The Rector is there said actually to have Suspended the two Gentlemen; whereas his own Letters to them say only he thought himself obliged to Admonish them, but not a word of actually Suspending them.*

3. *The Reason he gives, is their Notorious, Malitious Contrivances and practices against himself, for, as 'tis worded in one of his own Letters, against his Life; whereas in the same Letter he owns it was but a bear-say without mention of any Proof or Author.*

4. *He says he acquainted the Bishop herewith: 'Tis true he wrote a most impudent and scandalous Letter to the Bishop, falsely charging both him and his Servants with Hainous things, but all General, without descending to particulars then, or ever offering to prove any since.*

5. *He says the Bishop interpos'd passionately for his Servants, than which nothing can be more false.*

6. *He modestly says, He declin'd giving them the Cup; whereas he flatly and passionately refused it, and like Christ's Crucifiers, imprecated the Guilt thereof upon himself.--- I come now to shew*

II. *That the Rubrick and Canons which the Rector quotes in his Justification, do manifestly turn to his own Condemnation.*

1. *The Rubrick; the first Paragraph whereof says, That they who intend to partake, should signifie their Names at least
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some time the day before ; which as the Rector truly urges *Pag. 20.* was no doubt so Ordained, That the Rector might know who intended to Communicate, and that accordingly he might Instruct, Comfort, Counsel, Reprove or Absolve, as there was Cause, as 'tis said, or imply'd in the latter end of the first Exhortation to the Communion. But did the said Rector ever in his Life, use the Parish to, or acquaint the people with this Rubrick and Intent thereof? Or did he, as by the 19th Canon he was obliged, give Warning the Afternoon before, by tolling of a Bell, or any other way, for scrupulous persons to repair to him for Comfort? Or did he, pursuant to his Admonition to the two Gentlemen, either come to them, or send for them, to Examine them seriously as to their pretended Crimes; and their obstinacy in them, or sorrow for them, or innocency of them? Did he any time in the year following thus acquit himself? Surely this was his Duty, and far more Decent and less Offensive, than to surprize them at the Rails a year after his first and only Admonition, which he seemed to give them in a heat.

As to the second Paragraph of the Rubrick; so far were the Gentlemen from being obnoxious to it, that they bear infinitely a better Character for their Lives and peaceable Behaviour in the whole Countrey, than the Rector himself, which I am sorry for? but yet so sure of, that we will venture the whole issue upon that point; and in the mean time can produce under the Church-Wardens hands of the Parish, a Presentment made against the Rector, among other things, for his repelling the said Gentlemen, as giving offence to many; soasmuch as they are persons (as 'tis worded in the body of the presentment) of good Life and Conversation, not reputed Notorious or Scandalous Livers, or any way vitiously inclin'd, nor Contentious among their Neighbours, or Offensive to the Congregation. Now this is such a Character, and upon Oath too, as the Rector is far from deserving; nor can he procure such

a Testimony from the Hands of his best Friends in the Neighbourhood, unless they be notoriously Scandalous, who do not value or Esteem their Reputation.

The Third Paragraph is likewise Answer'd under the said Church Wardens Hands, who declare the two Gentlemen, neither to be Contentious, nor any wise offensive to the Congregation; and consequently there was no necessity of their making satisfaction, no scandal being given by them, nor taken against them by any person but the Rector himself: But on the contrary, it is Notorious, That the Rector is Contentious and Litigious, and that as the Rubrick words it, *He continues still in his frowardness*, that he has been of a long time and still is, involv'd in Law-Suits with his Neighbours; that he has given, and does still give Scandal and Offence to the Government, by disaffected Words and Actions, to his Bishop by most Undutiful and Scurrilous ones; (for Which we refer to the Visitors and Proceedings in the late Triennial Visitation) and to the whole Parish and Neighbourhood, by his Moroseness and Negligence in his Office: For so the Church-Wardens in the aforesaid Presentment have Authentically Tax'd him, as with horrible neglect of his Duty, to the great Injury and Dishonour of our Church; so also (which is most to the matter in hand) with Peevishness and Contentiousness of Humour, and addictedness to Strife and Law-Suits; and therefore, if in any thing the Bishop was blame-worthy; 'twas in admitting the Rector to the Sacrament, before that he, who had given such Offence, had made a suitable satisfaction. Again, as to the two Canons, which the Rector quotes (tho' one would have serv'd, being Verbatim the same in the English Edition) 'tis evident from what has been said, that 'tis the Rector who has maliciously contended with his Neighbours, and not Mr. M. S. who had no Suit, nor any difference with any body; nor Mr. T. N. who only had a Suit at Law with the Rector himself which rais'd his Spleen. 'Tis the Rector

Rector offended the Congregation; and even at that time deter'd many worthy persons from that comfortable Feast. As for instance, Sir *J. M.* who declar'd that he would have received the Sacrament that *Easter*, but that he could not forbear taking Offence at the Rector, upon the score of his Abusive, Railing Sermons. continually about that time; and particularly, for that the Rector declar'd himself out of Charity with Mr. A. B. and when the said Mr. A. B. ask'd the Rector whether he was not to give and Receive the Sacrament the Sunday following, the Rector answered he was, but yet was not in Charity with him: Likewise Mr. *T. D.* told the Church-Wardens, That he would have Receiv'd the Sacrament that *Easter* Sunday, if any Minister but the Rector had Communicated; but was afraid the Rector would have refus'd him the Sacrament, or have publickly Affronted him: The very same thing likewise Captain *R. J.* declar'd, as by the said Presentment may appear. Now let the Rector prove, that ever so much Offence, or indeed any Offence at all, was given to the Congregation by either Mr. *M. S.* or Mr. *T. N.* And also let any Man judg whether the Rubrick and Canons which the Rector has quoted in Order to justifie himself, do not condemn him; and if so, then he is condemn'd, as himself well observes, *Page 5th*, by the Judgments of the Convocations and Parliaments of both Kingdoms.

III. The next thing I have, to prove is, That the three Queries, upon which the Rector builds the whole Resolution, are (modestly speaking) impertinently put, and falsly, or impertinently Resolv'd.

1. *Impertinently put*, for that no Man denies; First, That the Rector of a private Parish is presum'd ordinarily to be the

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best acquainted with the Qualifications of his Parishioners, and may repel from the Sacrament for a time, any of them who is a notorious ill Liver, or an open Malitious Contender with his Neighbours. And as to the Second Query, 'tis granted, that upon regular information to the Bishop, he is to proceed against such a Notorious Sinner, in case he continues obstinate, according to the Canon. And as to the Third, during such the obstinacy of the aforesaid Offender, the Bishop ought not to command the Rector to Administer him the Sacrament: So that, it's plain the Queries were Impertinently put.

2. That the said Queries are also falsely, or impertinently Resolv'd by the Rector, will also appear by the following Observations.

As to the first Query, the Rector, Pag. 6. quotes Dr. Hammond for affirming that by the Words, *Whose Sins thou dost forgive, they are forgiven, and whose Sins thou dost retain, they are retained*, is meant the Power of Binding and Loosing, and that this is no other than the Power of admitting to, and Suspending from the Sacrament. Now that this is a great part of the said Power, the Dr. and we all grant; but we cannot grant it to be the whole Power given in those Words, till the Rector does furnish us with some other Texts, whereupon to found the Power of that ordinary Absolution, which we daily pronounce, both publickly in Church, and privately to sick Persons and Penitents, when there is no Celebration of the Sacrament. To any knowledg the great Andrews chooseth those very Words for his Text, St. Jo. 20. 23. when in a Sermon Preached at *Whitehal*, he undertakes to prove this Power of Absolution: The Rector likewise there affirms, that he has Power to Suspend any person from the Sacrament, that appears to him unqualify'd. Now observe Dr. Hammond *Prac. Cat. p. 394.* says, *That Christ himself Administered the Sacrament to Judas, tho he knew his heart to be full of Villany; and that therefore 'tis lawful to admit Sinners to the Sacrament:*

ment: 'Tis true, he desires this to be understood warily, and owns that Governours of the Church may inflict their Censures upon Willful, Scandalous Sinners, and withdraw the Sacrament by way of Discipline, and in Charity to their Souls; but yet in case the said Offenders be not actually under the Church Censures, and do press for the Sacrament; the Minister may Communicate with them at the Offenders own Peril; from which it appears, that in case our two Gentlemen were Scandalous Sinners; yet they being under no Ecclesiastical Censure and pressing for the Sacrament, it had been no Sin in the Rector to have admitted them: And further, that they must have been wilful, Scandalous Sinners, otherwise the Rector had no Right to repel them: And indeed, that every person so to be repell'd, must be an open, and Notorious ill-Liver, or an open Contender, who gives Offence to the Congregation; and consequently whose unqualifiedness appears to others, as well as to the Rector himself, both the Rubricks and Canons affirm: And so do the Ancient Canonists. *Peccatoribus notoriis Eucharistia non est Administranda;* but then is added what Notoriety is required; *Notorium Peccatorem dici; qui manifestus est vel per sententiam, vel per confessionem factam in judicio, aut per evidentiam rei, quæ nulla tergiversatione celari potest;* Aug. Bar. Cap. 20. n. 20. 21. So that it must not be the surmise of the Rector himself, or a bare hear-say; but such an immorality, as is notorious by a sentence, or Legal Confession, or Evidence of Fact, so commonly known, as cannot be conceal'd; otherwise, neither the Rector nor Bishop ought to repel. Now let the Rector prove the two Gentlemen thus Notorious, if he can. Oh, but, says the Rector, Pag. 7. 'Tis left to my own discretive judgment whom to Suspend: 'Tis true, the Rubrick seems to make him Judge for fourteen days, but not for the whole year, as it was in our Case: Now, either the Rector did not legally inform the Bishop within the fourteen days, and

himself

himself Transgressed the Rubrick ; or if he did, then not the Rector, but the Bishop, after such Information given, is become the Judge, and may Punish, or Pardon, as he sees Cause. And further observe (as the Rector himself well Objects, and could not Answer) that the Rector Suspended them for Malice, and Injuries and Contrivances against himself ; and therefore ought not to be a Judge in his own Cause ; to which I add, That first, *non constat*, no such Malice in the two Gentlemen is prov'd ; *Et quilibet presumitur bonus, donec probatur in contrarium.* Next, That tho' in the Case of Malice or Contention between two Parishioners, the Minister is presum'd an allowable Judge, yet not so, where himself is a party : And lastly, whereas the Rector Answers, that this must be allow'd in this case ; because there is no third person to intervene ; I say, *This is a mistake* ; for the Bishop is a proper person to intervene in the aforesaid Case. The 9th *Can. Con. Calc.* makes the Bishop the proper Judge of Clergy-Men ; and our Rubrick makes him proper Judge over the people, to censure them according to the Canon : And indeed he being the common Pastor of his whole Diocess, (*Nam ipsi commissus est Dei populus, & pro animabus eorum ipse redditurus est rationem* : Apof. Can. 40.) And seeing the Rectors in their Parishes are but his substitutes over the people ; none can so properly mediate in a difference between his substitute and people, as the common Ruler, who has equally an Authority and Care over both.

2 All that is material under his Second Query, is, that the Bishop was negligent of his Duty in not censuring the Suspended persons ; but instead thereof admitting them to the Sacrament ; *Pag. 12.* And Secondly, That the Bishop had not the Right of Administering the Sacrament there. As to the first, I say, 'Tis true, that upon Information given to a Bishop by the Rector, who Suspends a Notorious Offender from the Sacrament ; the Bishop is to proceed against such

notorious

Notorious Person according to the Canon; but 'tis, with this Proviso, that such notorious person persist obstinately in his Fault, not otherwise; for so the Rector owns, *Pag. 8. 9. 10.* If more gentle means prove effectual to reclaim such Sinners, if friendly Admonition do the Work, then severity is not requisite, and the Bishop may accept of their present Sorrow, and Promises of future Amendment. And all this for ought the Rector knew, might have been done in the present Case. Oh, but, says the Rector, *When the Offence is an Injustice, and an Injury to a Neighbour, there Restitution; and when a Scandal is given to the Congregation, there Publick Satisfaction is required; at least the Offender must be made to declare himself ready so to satisfy.* All this is granted, but then there is nothing of this in the present Case; for the Gentlemen were never known to be Men of either Scandalous, or Malicious Principles or Practices; but as has been said, *Of a far better Reputation than the Rector.* That, *They Conspired against his Life,* is an Allegation founded upon a hear-say, as in the aforementioned Letters, under his Hand himself does own: And no body living of tolerable Credit, will say, or believe they are such persons as he has represented them; or if they were, why did not the Rector make it appear before the Bishop, being bound to justify what he did, and to prosecute them for what he laid to their Charge? Or, Why did he not proceed against them at Common-Law, in case he thought the Bishop would be too favourable? But, he letting near a whole year pass, without any such Animadversion, or even a second Admonition; and they on their part having Solemnly declared to the Bishop, and to others of the Clergy of the best Dignity in the Diocese, that they had no personal prejudice to the Rector, more than a dislike to him upon the score of his being an Ill and Disaffected Man, and that they were in Charity with him and all the World; and upon this stock of Innocency and Charity desiring the benefit of the Sacrament: Let any Man judg,

whether the Bishop had most reason to regard these Solemn Asseverations of his two Servants, whom he personally knew to be Men of Integrity, or to regard the unwarrantable heat, and Malicious and groundless Allegation of the Rector, who is known by all to be an Obstinate, self-will'd, and ill-natur'd Man. But,

Secondly, says the Rector, *The Bishop had no Authority to Administer the Sacrament there, and therefore it was an Invasion of my Right.* To this, First, That the Bishop has Power to Administer the Sacrament in Vertue of his Order, whether it be the same with that of Priest, or a Superiour; I suppose the Rector is not so utterly beside himself as to deny: *But, Frustra est potentia quæ non reducitur in actum*: Therefore this Power must be Executed somewhere; and if the Bishop may Administer any where, it must be, either in Cathedral and Collegiate, or in Parish Churches: No, says the Rector, *in neither.* For though the 24th English Canon seems to allow the Bishop sometimes in Cathedrals, where there are no Parochial Cures, to Administer; yet our Rubrick, which is a far better Authority, gives the Right of Consecration in Cathedrals to the Prebendaries, and in Parish Churches to the Rector or Vicar, and this exclusive of the Bishop; because 'tis only reserv'd for him to pronounce the Absolution, and give the Blessing, Pag. 13. Never was there such a Mass of Ignorance and Arrogance: For Bishops have the Original Power of Consecration, and the Presbiters have it by delegation from them: The Presbiters have the Power to Consecrate, *in actu signato*, upon the score of their Ordination, which they had from the Bishop; and likewise they have the exercise of this Power from the Bishop, by Vertue of their Institution; whereby a certain Congregation is given them to Administer to: But surely when a Bishop impowers another, he does not divest himself. No, this he cannot do, if he would, this Power being Inherent to his Office by Divine Institution: Nay, in the first Ages of

of the Church, e're Presbyters had their appropriated Parishes, we find that the Presbyters could not Consecrate without the Bishop's Licence, tho he were absent: So St Ignatius, who lived anno 101. says in his Epistle to the Smyrnaens, *Let no Man do any thing of what belongs to the Church, without the Bishops leave,* *Χαρις τῇ ἐκκλησίᾳ τῆς βασιλικῆς καὶ ἀποστολικῆς,* &c. Neither Baptise, nor offer Sacrifice, but let that Eucharist be look'd upon as firm and good, which is either offer'd by the Bishop, or by him whom the Bishop shall permit. And even after Congregations were Assign'd as proper Cures to Presbyters, and the Bishops had given them an ordinary Licence once for all to Consecrate, yet notwithstanding, when the Bishop was personally present, they did not Administer without a new leave; so St. Leo in 86th Epistle to the Bishops of Germany and France, *Sed neq; coram Episcopo licet Presbyteris introire Baptisterium,* &c. *Nec eo presente, nisi jubente, Sacramentum Corporis & Sanguinis Christi consecrare:* i. e. It is not lawful for Presbyters to enter into the Baptistry, &c. nor to Consecrate the Sacrament of Christs Body and Blood, if the Bishop be present, without his Command: And so says, *Con. Carth. 2. Can. 9. Quisquis Presbiter presente & inconsulto Episcopo agenda in quolibet loco voluerit celebrare, ipse honori suo contrarius existit:* If any Presbyter without leave of the Bishop, he being present, shall Celebrate the Sacrament, be the place what it will (Cathedral or Parish Church) is an Enemy to the Bishops Dignity: And *Con. Sen.* seems to explain the matter, both as to time and place, *Episcopi in suis Diocessibus, &c. in Festivitatibus Solemnibus per se in Ecclesiis suis celebrent:* i. e. Bishops in their Diocesses shall in their own Persons (not by their Prebendaries) celebrate the Sacrament upon the solemn Festivals in their Churches. To which the 24th English Canon almost literally agrees. And 'tis, no doubt, the Bishop's Authority extends through his whole Diocess, and to every Church therein, the Charge and Care where-

of is committed to him, which he can never free himself from; and though he has committed part of it to others, because he cannot be present every where, yet where he is present, the Rector or Vicar being but his Substitute, are, if he please to officiate, *protunc* supereded; *In presentia majoris cessat potentia minoris*. But however this be, 'tis certain that of the Cathedral, as *Rebuff*. says, (*Episcopus est propriè & immediate Pastor*) the Bishop is the proper and immediate Minister. And so the 24th English Canon, chiefly intitles him to the Right of Administring there, though not exclusive of the Dignitaries: And thus 'tis practised and allow'd all over *England* nobody (I believe) in that whole Nation ever knowing that it was refus'd to the Bishop, or thought an Usurpation in him to Administer the Sacrament in his Cathedral.

Again, the Rector Abuses the Rubrick; 'tis true, it says, *That the Minister* (not mentioning what Order) *shall first Receive the Communion in both kinds himself, and then proceed to deliver the same to the Bishops, Priests and Deacons in like manner* (if any be present) *and after that to the People*: The true meaning whereof must be this, that he who Administers the Sacrament, shall observe this Order in the distribution of the Elements; First, to Administer to the Clergy according to their Order; as first to Bishops, Whether of other Diocesses, that may happen to be present on that occasion, or the Bishop of the Diocess, who in case to his Age or Indisposition, may admit the Priest to perform the Office: Next them to Priests, then to the Deacons, and after to the Laity. And, that neither this Order, nor my sense of it, are New, I refer you, for some thing much like this, to the great Council of *Nice*, *Can. 14. Pervenit ad Sanctum Concilium, quod in locis quibusdam & Civitatibus, Præsbyteris Sacramenta Diaconi porrigant; hoc neq; regula, neq; consuetudo tradidit, ut hi qui offerendi Sacrificii non habeat potestatem, his qui offerant Corpus Christi porrigant, sed & illud immotuit, quod quidam Diaconi etiam*

ante Episcopum Sacramenta sumunt; hæc ergo omnia amputentur, & accipiant secundum Ordinem; post Presbyteros ab Episcopo vel a Presbytero, Sacram Communionem. Which implies, That the Bishop may Administer, and that the Clergy ought to Receive according to their Order.

Again, 'tis to be consider'd in the present Case, that the two Suspended persons (as the Rector calls them) were the Bishops chief Domesticks. Now surely, no Rector is presumable to know his Parishioners Qualifications better than a Bishop may be allow'd to know the fitness, or unfitness of his Servants; it being one Qualification of a Bishop, that he know well, and govern well his own House, 1 Tim. 3. 5. Oh, but, says the Rector, *Those Servants were my Parishioners, and therefore I had the Right to Administer to them, and not the Bishop.* This is a hard Case, That Bishops must neither Administer in Cathedrals, nor Parish Churches, to the Inhabitants of the Diocess at large, nor even to those of his own Family. But let this be the Bishop's Comfort, whatever the Rector says, others know, that Bishops may Administer to any, or all the aforesaid; and so particularly says *Aug. Bar. pag. 308. n. 12. Quem libet posse, oram invito Parocho, Episcopum adire pro Sacramento suscipiendo, cum illi principaliter commissa sit Cura omnium animarum sue Dioecesis, i. e. any Man may, whether his Minister will or no, repair to the Bishop to Receive the Sacrament, because chiefly to him is committed the Care of all the Souls in his Diocess.*

From the whole then, I think 'tis plain the Bishop had sufficient Authority, and Good Reason to Administer the Blessed Sacrament, especially in his own Cathedral, and chiefly to his own Servants, of whose fitness he was assur'd, and therefore had no Cause to proceed against them, according to the Canon, as against Notorious, Scandalous, Obstinate Sinners.

Thirdly, The Third Query is, *Whether in such Case the Bishop may regularly command the Rector, and such Commands are obliging?*

Most of what the Rector says on this Query, no body needs disprove, as that great Care ought to be taken of reclaiming Sinners, and sitting persons for the Holy Sacrament, and of preventing Scandalous Communicants: And therefore let the Bishop Answer for admitting the Rector; for as the matter appears to me upon the whole, from the good Character the two Gentlemen bear in their Country, and the ill one the Rector has; and from his Rude and Passionate Deportment towards the Bishop himself, and his Servants, before, at, and since that Holy Sacrament, the Rector is the only unqualify'd person; who discover'd his Malice in the very Celebration of those Myſteries, which are a Contradiction to every thing that is not real Love and Charity.

What more is worthy our Observation upon this Query, may be comprehended in these three Things.

- I. That the Rector, pag. 21, says, *Episcopacy is not a distinct Order from Presbytery, but only the superaddition of a New Office to it.*
- II. *That the Power of Bishops is only fraternal, to Admonish, but not to Command; as most they had, but a Negative Voice before the Popish usurpation.*
- III. *That the Oath of Canonical Obedience is also a Relick of Popery, and that the imposition of it is Unjust; and the Rectors taking of it uncertain, pag. 18.*

1. *That Episcopacy is not a distinct Order from Presbytery, &c.* It cannot be expected I should here enter into this Controversie, and shew you all the Authorities from Scripture, Antiquity, and the consent of all Christian Churches for 1500 years, but all that I shall urge, *ad hominem*, is to shew how

how the Rector has by this Position expos'd his own baseness. Know then, he has twice at his Ordinations subscrib'd to the 4th Canon, which maintains the three Orders of Bishops, Priests and Deacons; and three or four times more subscrib'd it at his admission to Benefices; and has as often subscrib'd the 39 Articles; whereof the 36th maintains the said Orders; and has declar'd the same (I believe) ten times, in reading his Assent and Consent to all things contain'd in the Book of Common-Prayer, and Administration of Sacraments, and the manner of making, Ordaining and Consecrating Bishops, Priests and Deacons; and has in his late very Pamphlet own'd and declar'd the Rubrick of the said Book, to have the strongest Authority, that Statute Law can give it. Yet this Rubrick before the form of Ordination, runs thus; 'It is evident unto all Men diligently reading the Holy Scriptures, and Ancient Fathers, that from the Apostles time, there have been these Orders of Ministers in the Church, Bishops, Priests and Deacons, &c. Now that any Man professing himself a Minister of the Church of *England* for at least 20 years, and still from time to time declaring, subscribing, and owning the three Orders, should give the contrary under his Hand, and Print it to Eternize his Villany, and to render himself obnoxious to the Penalties of the Laws both Canon and Statute, is a demonstration that he is Mad, and fit for *Bedlam*. Let him not think to come off with his owning Episcopacy to be a Superior Office, for the Rubrick calls them expressly three Orders, and the Canon and Articles must accordingly be so understood, and that Power of Ordination appropriated to Bishops, shows it to be an Order, since it is the Power that makes the Order, and manifests it unto us.

2. The Rector says, *That the Power of Bishops is only Fraternal, to Admonish, but not to Command; at most they had but a Negative Voice before the Popish Usurpation.*

'Tis true, Bishops and Priests are Brethren, and should treat one another as such, and not be Tyrannical; but between these two there is a Medium, and an allow'd Power in Bishops over Presbyters, and all this before the Popish Usurpation. So Dr. Cave, *prim. Christ. par. 1. Cap. 8.* says, *It was not the business of the Bishops, barely to preside in the Assemblies of the Clergy; but to call them to Account, and Suspend them if they deserv'd it.* And if Baronius may be allow'd to speak, he tell us, *ad annum 57 & 319. That the Judiciary Power of Bishops over Clergy and Laity was Instituted of God, Exercis'd by the Holy Fathers, and confirm'd by the Emperors.* And indeed Eusebius in the Life of Constantine hints the same, *Cap. 27.* which Valesius refers to a Law of Constantius extant in the close of the Theodosian Code. But (methinks) the Rectors own Negative instance from Ignatius, *That nothing be done without the Bishop,* implies an Affirmative, *That every thing be done by his Direction and Command.* And so doth the *Aposf. Can. 40. Præbyteri & Diaconi præter Episcopum nihil pertinent.* And sometimes in some Cases, the Clergy are expressly said to be under the Bishops Command. For instance, *Con. Laod. Can. 42. No Minister of Gods Altar, nor any Clergy-Man must take a Journey, but per jussionem, by the Command of his Bishop: Nor must they, disrespecting the Bishop, make Conventicles apart, or set up Altars, upon pain if Deposition. Apost. Can. 32, and so Can. Gang. Can. 6.* It were endless to quote Authorities of Authentick Canons and Fathers to the same purpose. As for us, our own Canons, particularly the 71st, sufficiently impowers the Bishop to Suspend, Deprive, or Depose the Inferiour Clergy upon just Causes; and so does the Statute in England, 1 Eliz. Cap. 2. make every Spiritual person, Dignitary or Parson, Visitable by the Bishop or Ordinary; who thereby is Authoriz'd to enquire into and punish their Faults, by Admonition, Excommunication, Sequestration, or Deprivation.

3. The Rector says, *That the Oath of Canonical Obedience is also a Relick of Popery, and that the Imposition of it is Unjust, and the Rector's taking of it uncertain.*

To these things, I say; First, That Obedience is due, and has been always from Presbyters to Bishops, as the quotations in the former Paragraph do prove: For Command and Obey being Relatives, whatever proves the one, proves the other also: But beside the 18th Can. of the Con. Art. 1. held ten or twelve years before the Nic. says, *The Deacons must not take upon them on their own Accounts, but let Honour be reserv'd to the Presbyters; and that Presbyters likewise do nothing, but conscientio Episcopi, by the Privy and Consent of the Bishop;* in which is sufficiently imply'd the great Deference, Submission and Obedience, which the Inferiour Orders owe to their respective Superiours. And the Council of Calc. Can. 8. first setting forth the Bishops Authority over the Clergy in their Parishes, &c. does then enjoin their Submission and Obedience, *At si noluerint subjacere, in case they refuse so to Obey, let them be Punish'd Canonically.* And Con. Agath. Cap. 1. *Let the contumacious Clergy be Corrected and Punish'd by their Bishops;* which plainly proves the Power of the one, and the Obedience of the other. The like saith Ignatius in his Epistle to the *Magnesiens;* and so say many more. Now Reason it self must tell us, That when there is a Superiour Power in the one to Command, there must be an Obedience to answer in the other Party: And therefore, an Oath obliging Men to that Obedience, which was so much their Duty before, can be no unreasonable, or unjust Imposition: But if it be unreasonable and unjust, then all the Bishops in England and Ireland are so too; and so is the Law that seems to enjoin it. *Cook's Inst. Part 4th. fol. 324.* And the Rector by charging the said Oath with Popery, is as severe a Slanderer of our Church in this point, as the most Rigid Fanatick, whereof himself is a Chip, & *patri simillima proles.*

But of all things I cannot tell how the Rector can Answer his declaring the uncertainty of his ever taking the said Oath, though thrice benefic'd, and so consequently as often oblig'd by Law to have taken it. Now, if he did not take it, then he impos'd on the Age and Easiness of the Venerable Old Prelate Bishop D. who Entituled him to his Rectory, and who either did, or should have put this Clause into his Institution (*præstito primitus juramento Canonicae Obedientiae*) and if this be left out, 'twas certainly through the Rector's own Craft, who was permitted to direct the Draught of his Institution, and upon a Principle (as it would now seem) of denying, and with a design of refusing any such Obedience to any Bishop. But says the Rector, *If any such Obedience be due, it must be in licitis & honestis*; very true, and who doubts after what has been said, but that 'tis lawful and very fit for a Bishop Administring the Sacrament in his Cathedral, to Order the Rector his Assistant, to give the Cup to two worthy Communicants in the Esteem of all Men, but the forward Rector: And I think 'tis scarce a Query, whether the Rector, refusing that just Command, was not forsworn, in case he took the Oath of Canonical Obedience; and whether he be not something like it, in case he by a Trick avoided that Oath which *de jure* he ought to have taken: And whether he is not liable to the 13th Canon, *Con. Aurel. 2. Clerici qui officium suum adimplere despiciunt, &c. Doci sui dignitate priventur*: At least to that of the Canonist; *Clericus nolens Administrare Eucharistiam ubi & quibus obligatur Arbitraria poena est puniendus*: *Aug. Bar. Cap. 17. n. 43.* That is, if a Clergy-Man refuse to Administer the Sacrament where and to whom he ought, he is to be Punished according to Discretion. But, Oh, this Word (*Command*) is a Terrible Despotick Word; 'tis another Rag of Popery, pag. 21. 22. Now, since to Command in the Bishops, and to Obey in the Clergy, are both Rags of Popery, there must be a Reformation.

to produce such a Church, wherein no body must Command, and no body must Obey ; and by my Consent, the Rector shall have the Glory of this rare Invention.

But to conclude the matter seriously, I bid the Rector Desiance to give one instance in any Age, where ever any Presbyter Assisting a Bishop in the Administration of the Lords Supper in his own Cathedral, or elsewhere, did Assume the confidence to repel any Communicant, *invito Episcopo* : Or did, in contradiction to the Bishops Order, with-hold the Cup from any person, upon any pretence whatsoever. But seeing our Rector did these ill and irregular things, and many more, that were injurious, both to the Bishop and his Servants; therefore, according to his own Rule, *pag. 11*. He is under Obligation by the Laws of God and Man, to Acknowledg, Revoke, and make satisfaction for the aforesaid Wrongs as far as he may, and to court the forgiveness of the injured Parties.

As he is a most profligate Reviler of a Bishop, Ancient Canons require he should beg Pardon, or be irrevocably degraded, *Con. Carth. 4. Cap. 57. Clericus Maledicus maxime in Sacerdotibus cogatur ad postulandum veniam, si noluerit, degradetur, nec unquam ad Officium sine satisfactione revocetur*. And as he is a litigious Clergy-Man, his Testimony ought not to be Receiv'd : *Cap. 58. of the aforesaid Canon. Clericus qui frequenter litigat, & ad causandum facilis est. Testimonium nemo absq; grandi examine recipiat*. And indeed, whoever considers the Rector, as he has here been truly set forth, will never much regard what he says against any Man, much less against his Bishop, who bears so great and clear a Reputation : Whose Learning, Charity and Hospitality render him a worthy Prelate, and whose Birth and Education have made him an Accomplish'd Gentleman.

P A X V O B I S.

The Printer's Advertisement.

THis Answer had been Printed three Weeks sooner, had not the Press been very much engag'd in Business that requir'd Expedition; however, 'tis not doubted but it comes soon enough for the Reader, who will find it no easy Task to clear himself of what is laid to his Charge, and fully to Answer a Book so well written.

